

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS and ONSTAR, LLC,	:	Civil Action No.: 09-1814 (FLW)
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
DEALERS WARRANTY, LLC, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

**ORDER**

**THIS MATTER** having been opened to the Court by defendants Dealers Preferred Warranties, LLC, Direct Protect Warranty and National Dealers Warranty, Inc., joined by defendants Telephone Management Corporation, TMC Caller ID, LLC, Dealers Warranty, LLC and Dealers Warranty Services, LLC (collectively, “Defendants”), on a motion to dismiss pursuant to Fed.R.Civ.P. 12(b)(1) and 12(b)(6); plaintiffs Cellco Partnership d/b/a Verizon Wireless and OnStar, LLC (“Plaintiffs”) having submitted opposition thereto; and the Court having considered the moving, opposition and reply papers, as well as the arguments of counsel on July 29, 2010, and the supplemental submissions of the parties; and for the reasons stated in the Opinion on even date, and for good cause shown:

IT IS on this 17<sup>th</sup> day of September, 2010,

ORDERED that Defendants’ Motion to Dismiss Count I is GRANTED and Plaintiffs’ claims under the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C.A. § 227, *et seq.* are dismissed without prejudice, subject to Plaintiffs’ right to re-plead consistent with the Opinion of the Court issued on this date; and it is further

ORDERED that Defendants' Motion to Dismiss Counts II and III is GRANTED and Plaintiffs' claims under the Telemarketing and Consumer Fraud and Abuse Prevention Act ("TCFAPA"), 15 U.S.C. § 6101 et seq. are dismissed without prejudice, subject to Plaintiffs' right to re-plead consistent with the Opinion of the Court issued on this date; and it is further

ORDERED that Defendants' Motion to Dismiss Count IV is GRANTED and Plaintiffs' claims under the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-130 are dismissed with prejudice; and it is further

ORDERED that Defendants' Motion to Strike the Saling and Thibodeaux Certifications submitted by Plaintiffs in opposition to the instant motion is dismissed as moot.

/s/ Freda L. Wolfson  
**Honorable Freda L. Wolfson**  
**United States District Judge**